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10/656,904

09/05/2003

George P. Moromisato

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7590

01/24/2008

WOLF GREENFIELD (Microsoft Corporation)

C/O WOLF, GREENFIELD & SACKS, P.C.

600 ATLANTIC AVENUE

BOSTON, MA 02210-2206

EXAMINER

CHEA, PHILIP J

ART UNIT

PAPER NUMBER

2153

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/656,904

Applicant(s)

MOROMISATO ET AL.

Examiner

Philip J. Chea

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/03; 5/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

Claims 1-54 have been examined.

### *Specification*

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 53 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In paragraph 138 of the specification the Applicant has provided evidence that the Applicant intends the medium to include signals as such the claim is drawn to a form of energy. Energy is not one of the four categories of invention and therefore this claim is not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore not a composition of matter.

The Examiner suggests amending the claim language to read in line 4: "a computer usable storage medium..."

4. Claim 54 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The Applicant has provided evidence that the Applicant intends the medium to include carrier wave signals as such the claim is drawn to a form of energy. Energy is not one of the four categories of invention and therefore this claim is not statutory. Energy is not a series of steps or acts

and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore not a composition of matter.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 9-10,13-18 and 35-36,39-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 9 recites the limitation "each synchronized file" in line 1. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 13 recites the limitation "each synchronized file" in line 3. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 35 recites the limitation "each synchronized file" in line 2. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 39 recites the limitation "each synchronized file" in line 3. There is insufficient antecedent basis for this limitation in the claim.

11. Regarding claim 20, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Any claim not specifically mentioned is rejected by virtue of being dependent on a rejected based claim.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-13, 19, 21-39, 45, 47-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 7,149,959), herein referred to as Jones, and further in view of Shankar (US 7,080,124).

As per claims 1, 27, 53-54, Jones discloses a system for providing information and services of a collaboration system that allows a plurality of members to interact collaboratively in a shared folder in a folder-based file system, as claimed, comprising:

using the collaborative interface to display information regarding the members collaborating within the context of the a shared folder, through the use of the collaborative system (see column 10, lines 4-9, *describing a tab to display the members collaborating on project files*, see Fig. 6, *showing the members belonging to the shared folders in a folder-based file system described in column 10, lines 17-26*);

determining changes made in the folder-based file system (see column 11, lines 28-36, *showing a determination of changes made to the folders (i.e. updated files)*); and

communicating the changes to other members via the collaborative system (see column 11, lines 41-46, *describing how other members are communicated changes through the "What's New" tab where the user is allowed to view a list of files that the user has not viewed or read*).

Although the system disclosed by Jones shows substantial features of the claimed invention (discussed above), it fails to disclose that the folder-based file system is part of an operating system with a user interface including a collaborative interface in the operating system user interface.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Jones, as evidenced by Shankar.

In an analogous art, Shankar discloses a resource messaging system for storing and forwarding media resources via a server between multiple resource-sharing partners designated by a user (see Abstract). Further showing that the folder-based file system is part of an operating system with a user interface including a collaborative interface in the operating system user interface (see column 7, line 56 – column 8, line 4, *describing how a collaborative interface (i.e. chatting with buddies,*

*sharing/organizing/viewing pictures) is integrated into the folder-based file system of the operating system).*

Given the teaching of Shankar, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Jones by integrating the collaborative interface into the operating system, such as disclosed by Shankar, in order to manage the collaborative folder anywhere in the operating system interface, not just from the ProjectPoint collaborative client interface.

As per claims 2,28, Shankar further discloses designing and implementing a portion of the user interface as the collaborative interface (see column 7, line 56 – column 8, line 4, *showing a portion of the operating shell (i.e. right click menu and tool bar) implemented with the collaborative interface*).

As per claims 3,29, Shankar further discloses enhancing the user interface to include the collaborative interface (see column 7, line 56 – column 8, line 4, *showing the interface enhanced with a right click menu*).

As per claims 4,30, Shankar further discloses replacing a portion of the user interface with the collaborative interface (see column 7, line 56 – column 8, line 4, *showing the dialog tool bar, menu, or task pane is replaced with the collaborative interface*).

As per claims 5,31, Shankar further discloses using the collaborative interface to create a shared space underlying the operating system shared folder within which collaboration will occur (column 7, line 56 – column 8, line 4, *showing how chatting can occur through the operating system implying a shared space where members of the shared folder can chat*).

As per claims 6,32, Shankar further discloses using the collaborative interface to invite one of the plurality of members to join the shared space (7, line 56 – column 8, line 4, *where initiating chat is considered inviting a member to join the shared space*).

As per claims 7,33, Shankar further discloses displaying information regarding members in the shared space (see Fig. 4).

As per claims 8,34, Shankar further discloses that wherein the information regarding members in the shared includes awareness information that indicates whether each member is on-line and available (see Fig. 4, *showing buddies that are online*).

As per claims 9,35, Jones further discloses that each synchronized file in the folder-based file system, maintaining a snapshot that contains sufficient information to allow a determination to be made whether that file has changed (see column 11, lines 41-46, *describing the contents of the file of "What's New" appear in the details view*).

As per claims 10,36, Jones further discloses receiving a notification from the folder-based file system that changes have been made to the folder-based file system and in response to the notification, examining each file snapshot to determine which file has changed (see column 11, lines 29-36 and lines 41-46).

As per claims 11,37, Jones further discloses connecting the collaborative system via a web services interface (see column 2, lines 40-50).

As per claims 12,38, Jones further discloses maintaining a list of members who are in the shared folder (see column 13, lines 61-64, *where current members of the project imply members who are in the shared folders of the project*).

As per claims 13,39, Jones further discloses for each member who is in the shared folder, maintaining information indicating whether that member has contents of each synchronized file in the shared folder (see column 15, lines 55-65).

As per claims 19,45, Jones further discloses using the collaborative system to disseminate file changes to members in the shared folder (see column 8, lines 15-21, *describing disseminating between file versions*).

As per claims 21,47, Jones in view of Shankar further discloses using the collaborative interface to create a shared space underlying the operating system shared folder within which collaboration will occur (see Shankar column 7, line 56 – column 8, line 4) and wherein the method further comprises:

forwarding a change made in the shared space to a file to a document share engine in the shared space (see Jones column 18, lines 1-7); and

using the document share engine to make the file change to a corresponding file in the folder-based file system (see Jones column 18, lines 1-7).

As per claims 22,48, Jones further discloses using a file synchronizer in the collaborative system that makes the change in the folder based file system under control of the document share engine (see column 11, lines 41-46).

As per claims 23,49, Jones further discloses using the document share engine to notify each of the plurality of members that a file change has occurred (see column 18, lines 1-7).

As per claims 24,50, Jones further discloses using the document share engine to display in the collaborative interface a list of the plurality of members and an indicator showing which of the plurality of members has opened a selected synchronized file (see column 15, lines 55-65).

As per claims 25,51, Shankar further discloses that the collaborative interface comprises an on-line chat mechanism (see column 7, line 56 – column 8, line 4).

As per claims 26,52, Jones further disclose that the collaborative interface comprises a mechanism for creating and storing comments related to the selected file (see column 8, lines 15-21).

14. Claims 14-18,40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Shankar as applied to claims 13 and 39 above, and further in view of Therrien et al. (US 2004/0088382), herein referred to as Therrien.

As per claims 14,40, although the system disclosed by Jones in view of Shankar shows substantial features of the claimed invention (discussed above), it fails to disclose providing a stub file to each shared folder member who does not have the contents of a synchronized file.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Jones in view of Shankar, as evidenced by Therrien.

In an analogous art, Therrien discloses a data repository system that provides a hierarchical storage management to move contents of files (see paragraph 2). Further showing that when a file is not located in it's original location (i.e. the file has been moved to a new fileserver), a stub file is left in place (see paragraphs 70-72, *describing how a stub file is a file that appears normal but instead includes a pointer to the actual location of the file*).



Given the teaching of Therrien, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Jones in view of Shankar by employing a stub file, such as disclosed by Therrien, in order to view the file even though it has been moved from its original location.

As per claims 15,41, Therrien further discloses displaying the stub file in the user interface (see paragraph 72, *showing how a client can view the files once connected to the new fileserver*).

As per claims 16,42, Therrien further discloses downloading file contents from a source when a user selects the stub file display (see paragraph 72, *describing that the files are transferred from a repository node to the fileserver implying a download of the file*).

As per claims 17,43, Therrien further discloses that the source comprises a server (see paragraph 72).

As per claims 18,44, Jones further discloses that the source comprises a computer of another member (see column 5, lines 46-60, *where the file can be downloaded to a user computer; and Therrien's teaching of a stub file would point to the location of the user computer*).

15. Claims 20,46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Shankar as applied to claims 19,45 above, and further in view of Oprescu-Surcobe (US 6,356,961).

As per claims 20,46, although the system disclosed by Jones in view of Shankar shows substantial features of the claimed invention (discussed above), it fails to disclose that the file changes are disseminated only as compressed representations of such changes, as binary differences, rather than the entire file contents.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Jones in view of Shankar, as evidenced by Oprescu-Surcobe.

In an analogous art, Oprescu-Surcobe discloses a system for editing versions of documents where the version differences are disseminated only as compressed representation of such changes, as binary differences, rather than entire file contents (see column 3, line 66 – column 4, line 3).

Given the teaching of Oprescu-Surcobe, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Jones in view of Shankar by employing binary difference representation, such as disclosed by Oprescu-Surcobe, in order to communicate a least amount of data between source and destination devices necessary to effectuate the generation of an edited version of a document.

### ***Conclusion***

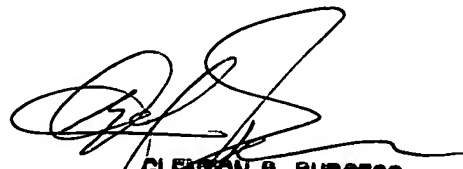
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Philip J Chea  
Examiner  
Art Unit 2153

PJC 12/20/07

  
**GLENN B. BURGESS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**